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10/756,429	01/13/2004	Ali Saffari	IGT1P208G/P-888G	2211

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EXAMINER
HYLINSKI, STEVEN J

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>29 July 2008</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-12,14-18,29-37 and 43-50</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) <u>45-50</u> is/are allowed.

6) ☒ Claim(s) <u>1-12,14-18,29-37,43 and 44</u> is/are rejected.

7) ☒ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Response to Arguments

1.   The most recent Office Action issued, the advisory action mailed 06/26/2008, shows all pending claims being rejected. Although the Examiner had indicated claims 6-9, 15-18, and 34-37 allowable in prior office actions, after reconsideration, Examiner finds that Lind does anticipate these claims. In the optional embodiment of Lind in which the player can conduct multiple simultaneous bingo cards, each of which is treated as a separate game (Paragraph 76), if the player wins an interim pattern on each of more than one card, the player will receive a payout from each card having a winning interim pattern. Paragraph 73 draws an analogy between the player playing multiple bingo cards in Lind's invention, to a player playing a slot machine having multiple paylines. It is known that when multiple paylines are active on a slot machine, and that if a player has a winning combination resulting on more than one active payline, that the player will receive the sum of the awards associated with each of the winning paylines. Paragraph 96 of Lind does disclose paying the player the highest pattern associated with a bingo card, if more than one winning pattern exists. However, when a player is playing multiple cards as discussed above, and each card is treated as a separate game play request, two or more cards having at least one interim award associated with each card, will pay the sum of at least the highest of the interim award amount associated with the at least two cards.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claims 1-5, 10-12, 14, and 29-33 are rejected under 35 U.S.C. 112, first

paragraph, as based on a disclosure which is not enabling. Elements critical or essential

to the practice of the invention, but not included in the claim(s) is not enabled by the

disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976Applicant

does not disclose how the step of "determining a total interim pattern award amount for

the player corresponding to a difference between the individual interim awards for the

interim patterns matched on the player's unique game array" is to be performed,

especially because the claim recites that there can exist a "plurality of predetermined

interim patterns matched by the player's unique game array". When more than two

interim patterns exist, it is unclear how the "difference between the individual interim

awards" is calculated. The examiner can only guess that perhaps the sum of the

differences among plural interim award amounts, is calculated, but neither the claim nor

the specification provide enough information to make such a determination. The claim is

only enabled for up to two interim award amounts, yet the claim states that a plurality of

interim award amounts can occur; hence the claim is not fully enabled.

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

5.   Claims 1-5, 10-12, 14, and 29-33 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

6.   As discussed above, claims 1-5, 10-12, 14, and 29-33 do not provide sufficient

disclosure of how a "difference between" a plurality of interim award amounts would be

calculated. Hence the claim is also indefinite. The language "between" automatically

renders the claim indefinite because "between" can only be used to correlate two

articles, in this case interim awards, and the claimed invention makes possible the

existence of more than two interim awards. When more than two interim award amounts

exist, and one is asked to calculate the difference "between" these more than two

interim award amounts, it is unclear between which two amounts one is factoring the

difference. It is unclear whether applicant intends the difference to represent the

maximum difference between the highest and lowest interim award amounts, or

perhaps it is to be the sum of the differences between each of a plurality of interim

award amounts. Applicant must define the invention in a way that distinctly points out

the invention, while also maintaining claim language that is fully disclosed in the

specification.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   **Claims 6-9, 15-18, and 34-37 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over US 2004/0152508 to Lind et al. (Lind).

Re Claims 6-9, 15-18, and 34-37,

Lind discloses a method for conducting a wagering game (Title and Abstract,

bingo) and an associated progressive jackpot (Paragraph 98) and computer readable

medium with executable code (Paragraph 28), wherein the wagering game is a multi-

player wagering game wherein each player has a unique game array of game indicia for

the occurrence of the wagering game (Abstract) and individual game indicia are

sequentially selected from a range of available game indicia (Paragraph 84, bingo balls

are randomly drawn, having numbers between 1 and 75), wherein one of the players

wins the occurrence of the wagering game by matching a predetermined game winning

pattern of game indicia on the player's unique game array with the sequentially selected

game indicia (Paragraphs 85-86), and wherein the outcome of the occurrence of the

wagering game is a predetermined progressive jackpot winning outcome if a pattern on

the player's unique game array formed by game indicia on the unique game array

matching sequentially selected game indicia matches one of a plurality of

predetermined progressive jackpot winning patterns (Paragraphs 86 and 96, matching

predetermined patterns results in prizes being awarded to players, as is well-known in

bingo, and Paragraph 98, a progressive jackpot prize can be incorporated into the

game), the method comprising: receiving a deposit of an amount of a medium of

currency by a player at a gaming unit (Paragraph 83, the player inserts a player card

and chooses how much to wager, Paragraph 28, the player card contains a player

account, also a separate device 309 can accept currency, vouchers, or tokens directly);

receiving input for a player's wager on an occurrence of the wagering game at an input

device of the gaming unit (Paragraphs 83 and 95, the player chooses the amount of his

wager for the instance of the game) ; displaying the unique game array of game indicia

for the player for the occurrence of the wagering game at a display device of the gaming

unit (Paragraph 83; the player's bingo station displays a choice of cards, from which the

player chooses a card he would like to use in the game) receiving the sequentially

selected game indicia at the gaming unit (Paragraph 84, the player receives all drawn

bingo numbers at his station, on the display, in the order they were called); comparing

the sequentially selected game indicia to the game indicia of the unique game array

(Paragraph 85, the player must compare the indicia on his card to the drawn balls, and

daub accordingly); determining that the player has won an interim pattern award for the

occurrence of the wagering game if a pattern on the player's unique game array formed

by game indicia on the player's unique game array matching sequentially selected

indicia matches one of the plurality of the predetermined progressive jackpot winning

patterns (Figs. 15-16 show examples of interim win patterns. Paragraph 96, The "bonus

prize" patterns in the reference are describing interim patterns. Lind says that a player

can hold both a game-ending winning pattern, and another higher-valued pattern. The

only way the player could have accumulated both a game-ending winning pattern, *and*

another pattern that actually has a higher value than the game-ending winning pattern,

but is not a game ending pattern, is that this other pattern is a non-game ending, ie.

interim, pattern.); determining an interim pattern award for each of the plurality of

predetermined interim patterns matched by the player's unique game array, determining

a total interim pattern award amount for the player corresponding to the sum of the

individual interim pattern awards for the interim patterns matched on the player's unique

game array (Paragraphs 73 and 76 disclose that the player can play several cards
simultaneously, and that the multiple cards can be grouped and considered as one
game, hence on game array, and that the results will be displayed simultaneously.
Hence, the up to one interim pattern award from each card, if obtained, will be summed
and provided to the player. Paragraph 73 draws an analogy between the player playing
multiple bingo cards in Lind's invention, to a player playing a slot machine having
multiple paylines. It is known that when multiple paylines are active on a slot machine,
and that if a player has a winning combination resulting on more than one active
payline, that the player will receive the sum of the awards associated with each of the
winning paylines.) providing a sleep time period for the player to make a prize claiming
input selection at the input device of the gaming unit to claim the corresponding interim
pattern award amount (Paragraph 85, the sleep timer applies to any prize, which
includes prizes other than game-ending pattern prizes as identified in paragraph 96,
game-ending prizes, and progressive jackpot prizes, and Fig. 4 steps 407, 408, 410);
and adding at least a portion of the total interim pattern award amount to the
progressive jackpot pool if the player does not input at least one prize claiming input to
claim at least one of the interim pattern awards within at least one of the sleep time
periods (Paragraph 85. Recall that paragraphs 73 and 76 disclose that the player can
play individual cards as part of the player's overall game. Hence it is possible for each
card to have up to one interim win, each of which must be claimed by the player or else
turned over.).

The additional "first batch, second batch" language simply describes how interim pattern awards are non-game ending awards, i.e., bingo balls continue to be drawn after each and any interim is awarded. Lind discussed the case scenario in which, at games' end, a player may hold not only the game-ending pattern, but also another pattern, which then by definition is a non-game ending pattern, and hence an interim pattern (claim 1 defines pay tables for patterns that may be "achievable in the bingo game". Any of the patterns not designated as game-ending, will be interim patterns if matched during the game, and hence "batches" of balls will continue to be drawn.).

At the time the invention was made, one of ordinary skill in the art would realize that if more than one non-game ending pattern exists (and Fig. 15 shows numerous different available patterns), that combined with Lind's allowing each player to play multiple simultaneous and independent games, and also combined with the sleep timer applied to each prize, that multiple sleep timers would be invoked for a player who has won more than one interim pattern on more than one bingo card.

Allowable Subject Matter

9.   Claims 1-5, 10-12, 14, 29-33, and 43-44 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action, because the prior art neither anticipates nor renders obvious calculating an interim award amount equal to the difference among multiple winning interim award amounts. Applicant must amend the limitations of the independent claims 1, 10, 29, and 43 to specify how the difference is calculated if three or more interim award amounts exist, and also show where this limitation is supported in the specification.

10.   Claims 45-50 are allowable. The following is a statement of reasons for the

indication of allowable subject matter:

11.   The prior art neither anticipates nor renders obvious the following limitations of

claims 45-47 and 49: "adding a progressive jackpot contribution equal to the second

interim pattern award amount minus the first interim pattern award amount to the

progressive jackpot pool if the player does not input the prize claiming input within the

second sleep time period and the second interim pattern award amount is greater than

the first interim pattern award amount"

12.   The prior art neither anticipates nor renders obvious the following limitations of

claims 48 and 50: "configuring the gaming unit to transmit a message to a progressive

jackpot network computer to add a progressive jackpot contribution equal to the first

interim pattern award amount minus the second interim pattern award amount to the

progressive jackpot pool if the player does not input the prize claiming input within he

first sleep time period and the first interim pattern award amount is greater than the

second interim pattern award amount. "

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to STEVEN J. HYLINSKI whose telephone number is

(571)270-1995. The examiner can normally be reached on M-Thurs. 7:00a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hotaling can be reached on 571-272-4437. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Primary Examiner, Art Unit 3714

/Steven J Hylinski/
Examiner, Art Unit 3714